

Docket No. 5677/85
*JL***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: December 10, 1999 Group Art Unit: 1626

Serial No: 09/459,171 Examiner: T. Solola

For: THE USE OF PROCYANIDINS IN THE MAINTENANCE OF
VASCULAR HEALTH AND MODULATION OF THE INFLAMMATORY RESPONSE**REQUEST TO WITHDRAW THE FINALITY OF THE MARCH 21, 2002 OFFICIAL ACTION**Commissioner for Patents
Box: After Final
Washington, D.C. 20231

Sir:

Applicants believe that the finality of the first Official Action on the merits, mailed March 21, 2002 in the above identified application, was made in error since (i) the prior art rejection of method claims 186-224, and (ii) the obviousness-type double patenting rejections were imposed for the first time.

Applicants' attorney brought this matter to the attention of the Examiner in a telephone conference held on April 24, 2002, during which the Examiner indicated that the finality of the Action would be withdrawn in writing. Since Applicants have not received anything to that effect from the Patent Office, and to avoid extension of time fees, Applicants are responding (separately) to the Action prior to receiving any communications on this matter.

Nonetheless, the removal of the finality of the Official Action appears to be in order and is respectfully requested. In order for the Office to address this issue as soon as possible, Applicants are filing this request via facsimile, and separately from the response.

Date: June 21, 2002

Respectfully submitted,

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Date: June 21, 2002
Attorney Docket No.5677-85

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Examiner: **T. Solola**

Group Art Unit: **1626**

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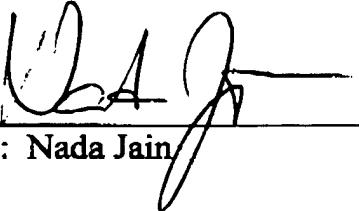
COMMENTS:

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Serial No.: **09/459,171**

Filed: December 10, 1999

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By: Nada Jain

Date: June 21, 2002

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